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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/643,389	08/22/2000	Kevin K. Funk	10970997-3	8759

7590 05/21/2002

Agilent Technologies
Legal Department 51UPD
Intellectual Property Administration
P O Box 58043
Santa Clara, CA 95052-8043

EXAMINER

VON BUHR, MARIA N

ART UNIT	PAPER NUMBER
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2125

DATE MAILED: 05/21/2002

3

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/643389

Applicant(s)

Funk

Examiner

Von Buhr

Group Art Unit

2125

—The MAILING DATE of this communication appears on the cover sheet beneath the correspondence address—

Period for Response

A SHORTENED STATUTORY PERIOD FOR RESPONSE IS SET TO EXPIRE — 3 — MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a response be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for response specified above is less than thirty (30) days, a response within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for response is specified above, such period shall, by default, expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to respond within the set or extended period for response will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).

Status

- ☒ Responsive to communication(s) filed on 8/22/00
- ☐ This action is **FINAL**.
- ☐ Since this application is in condition for allowance except for formal matters, **prosecution as to the merits is closed** in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

Disposition of Claims

- ☒ Claim(s) 13-18 is/are pending in the application.
- Of the above claim(s) _____ is/are withdrawn from consideration.
- ☐ Claim(s) _____ is/are allowed.
- ☒ Claim(s) 13-18 is/are rejected.
- ☐ Claim(s) _____ is/are objected to.
- ☐ Claim(s) _____ are subject to restriction or election requirement.

Application Papers

- ☐ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.
- ☐ The proposed drawing correction, filed on _____ is ☐ approved ☐ disapproved.
- ☐ The drawing(s) filed on _____ is/are objected to by the Examiner.
- ☐ The specification is objected to by the Examiner.
- ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119 (a)-(d)

- ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).
 - ☐ All ☐ Some* ☐ None of the CERTIFIED copies of the priority documents have been received.
 - ☐ received in Application No. (Series Code/Serial Number) _____
 - ☐ received in this national stage application from the International Bureau (PCT Rule 1.7.2(a)).

*Certified copies not received: _____

Attachment(s)

- ☐ Information Disclosure Statement(s), PTO-1449, Paper No(s). _____
- ☒ Notice of References Cited, PTO-892
- ☐ Notice of Draftsperson's Patent Drawing Review, PTO-948
- ☐ Interview Summary, PTO-413
- ☐ Notice of Informal Patent Application, PTO-152
- ☐ Other _____

Office Action Summary

1. This application is a divisional of Serial No. 09/034,967 and is, therefore, accorded the benefit of the earlier filing date of March 4, 1998.
2. Examiner acknowledges receipt of Applicant's preliminary amendment, received August 22, 2000; which cancels claims 1-12. Claims 13-18 remain pending in this application.
3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. §102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by Applicant for a patent.

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by Applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by Applicant for patent.
4. The changes made to 35 U.S.C. §102(e) by the American Inventors Protection Act of 1999 (AIPA) do not apply to the examination of this application as the application being examined was not (1) filed on or after November 29, 2000, or (2) voluntarily published under 35 U.S.C. §122(b). Therefore, this application is examined under 35 U.S.C. §102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. §102(e)).
5. Claim 13 is rejected under 35 U.S.C. §102(a) as being clearly anticipated by Kimura (see the English translation of the abstract and the figure).
6. Claim 13 is rejected under 35 U.S.C. §102(e) as being clearly anticipated by Zvonar et al. (both; see the abstract; Fig. 1; cols. 1-2).

7. The following is a quotation of 35 U.S.C. §103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. Claims 14-18 are rejected under 35 U.S.C. §103(a) as being unpatentable over Kimura as applied to claim 13 above, and further in view of the following.

Although Kimura discloses a semiconductor manufacturing environment, which includes the instantly claimed manufacturing machine, user interface including a scanner and a display, and a plurality of controllers all linked together (see the English translation of the abstract and the figure), Kimura does not specifically identify a photolithographic integrated circuit manufacturing system, wafer stepper machine, nor resist spintrack machine, as instantly claimed. In this regard, Applicant admits that such elements were well-known parts of a semiconductor manufacturing system (pages 1-5 of the instant specification). Accordingly, it would have been obvious, to one having ordinary skill in the art, at the time the instant invention was made, to include such sub-systems within the system of Kimura, since it has been held to be within the general skill of a worker in the art to select a known material on the basis of its suitability for the intended use as a matter of obvious design choice. *In re Leshin*, 125 USPQ 416.

9. Claims 14-18 are rejected under 35 U.S.C. §103(a) as being unpatentable over Zvonar et al. as applied to claim 13 above, and further in view of the following.

Although Zvonar et al. disclose a semiconductor manufacturing environment, which includes the instantly claimed manufacturing machine, user interface including a scanner and a display, and a plurality of controllers all linked together (see the abstract; Fig. 1; cols. 1-2), Zvonar et al. do not specifically identify a photolithographic integrated circuit manufacturing system, wafer stepper machine, nor resist spintrack machine, as instantly claimed. In this regard, Applicant admits that such elements are well-known parts of a semiconductor manufacturing system (pages 1-5 of the instant specification). Accordingly, it would have been obvious, to one having ordinary skill in the art, at the time the instant invention was made, to include such

sub-systems within the system of Zvonar et al., since it has been held to be within the general skill of a worker in the art to select a known material on the basis of its suitability for the intended use as a matter of obvious design choice. *In re Leshin*, 125 USPQ 416.

10. The prior art made of record and not relied upon is considered pertinent to Applicant's disclosure.
11. Any response to this Office action should be mailed to:

Commissioner of Patents and Trademarks
Washington, D.C. 20231

Or faxed to the Office at:

(703) 746-7239 - for formal communications intended for entry, mark "FORMAL";
(703) 746-7240 - for informal/draft communications; label "PROPOSED" or "DRAFT".

Hand-delivered papers should be brought to Crystal Park II, 2121 Crystal Dr., Arlington, VA, 4th Floor (Receptionist).

12. Any inquiry concerning this communication or earlier communications from the Examiner should be directed to Maria N. Von Buhr whose telephone number is (703) 305-3837. The Examiner can normally be reached on Monday-Thursday between 8:00 A.M. and 4:00 P.M.

If attempts to reach the Examiner by telephone are unsuccessful, the Examiner's Supervisor, Leo Picard can be reached at (703) 308-0538.

Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (703) 305-3900.



MARIA N. VON BUHR
PRIMARY PATENT EXAMINER
ART UNIT 2125

MNVB
5/16/02